REMARKS

The above-identified application is United States application serial number 09/816,992 filed on March 23, 2001. Claims 1-13 and 20-25 are pending in the application. Claims 21-23 and 25 are withdrawn from consideration. Claims 1-13, 20 and 24 are rejected.

Rejection of Claims Under 35 U.S.C. §102

Claims 1-10, 12, 13, 20, and 24 are rejected under 35 U.S.C. §102(e) as being anticipated by Lappenbusch et al. (U.S. Patent No. 6,297,748). Applicants respectfully traverse the rejections on the basis that Lappenbusch does not disclose: (1) the action of "receiving image data and associated position data from *a client*"(claims 1-10, 12, and 20); or (2) a server "adapted to receive image data and associated position data *from a client*" (claim 13).

Lappenbusch clearly states that the image and position data is not obtained *from a client* but rather from served resources. In column 3, lines 33-51, Lappenbusch makes clear that images are obtained from cameras that, in combination with sensors, make up a public highway monitoring system which is the resource served by the server. Each public highway monitoring system is described as including a server computer that serves information to requesting client devices. Lappenbusch discloses a public highway monitoring system server that manages access to the monitoring system. All images discussed in Lappenbusch are obtained internal to the monitoring system. No images are received from a client device.

The Examiner stretches far beyond reasonable characterization to equate "receiving image data . . . from a client" to a user's specification of starting and destination locations on a user interface-displayed road map. The Examiner describes, "client inserts position data (begin point 83 and end point 84) in the context of the map and forwards this data to the appropriate server." The Examiner continues:

> "The combined data (starting point and ending point in the context of the map) are transmitted to the server to retrieve an array of travel related information. It is clear in FIG. 8 that the user is not simply sending out points of data to a server. The points of data are laid out in the context of a map, otherwise they would have no meaning

and the server would not be able to correlate the points to specific traffic information. Accordingly, in this embodiment, the user is sending image data associated with position data."

Applicants respectfully point out that the Examiner's fanciful interpretation precisely expresses the *opposite* of what Lappenbusch discloses. What is truthfully clear is that the user *IS* merely sending out data points to a server as can be easily seen from the language of Lappenbusch in col. 7, lines 18-19 ("the user is prompted for a starting location and a destination location"), col. 7, lines 26-27 ("this allows the user to specify the starting and destination locations"), col. 7, lines 31-32 ("In response to specifying starting and destination locations"). That the points of data are laid out in the context of a map is irrelevant; nothing in Lappenbusch explicitly, implicitly, or inherently discloses that the client sends image data to the server. The only data transfer from client to server disclosed by Lappenbusch is the sending of starting and ending data points to the server.

Image data is broadly defined as a picture made up of picture elements (pixels) and recorded as data, typically in the form of a rectangular or two-dimensional array. Lappenbusch specifically concurs with such a definition by identifying appropriate formats for image data in col. 4, lines 3-6 ("still images are stored in bitmap, JPEG, MPEG, or other conventional formats"). Accordingly, the client does not send "image data" when sending control signals identifying starting and ending positions.

In Lappenbusch, the image data is produced by a public highway monitoring system which includes servers. The servers receive the image data from the public highway monitoring system and supply the image data to the clients. In no case does the client supply image data to the server.

In every instance, Lappenbusch describes image data as being supplied by the server to the client, and not from the client to the server. For example see col. 3, lines 44-51 ("Server computer is connected and programmed to obtain . . . road images . . . to provide it to requesting client devices"), col. 3, lines 66-67 ("To provide images to server computer 38, a video server is used"), col. 4, lines 28-29 ("Server computer 38 maintains a dynamic library . . . of acquired images"), col. 4, lines 51-52 ("requesting client devices receive data"), col. 4, lines 60-64 ("client devices . . . configured and connected to communicate with server computer . . . to receive current traffic data and images"), col. 7, lines 55-56

("server computers supply traffic data and images"), col. 7, line 64 ("traffic data is supplied from a server"), col. 8, lines 46-48 ("The invention further includes providing the traffic data, road images and video in common format to requesting client devices").

Lappenbusch further describes three examples of the server-client interactions in possible user interface implementations. None of the examples describe an interaction with the client sending image data to the server. In a first embodiment, "client devices would use their browsers to simply display downloaded content and to *relay user inputs back to the server computers*" and "server computers would respond by formatting new screen displays and *downloading them for display on the client computer*"(col. 5, lines 20-24.

In a second embodiment, "server computers 38 might be used primarily as sources of data, with primary responsibility for a user interface being placed upon the client computers . . . a client computer would run an application program implementing a desired user interface, and *would retrieve raw images and data from a server computer* as required . . . *servers would provide the data* in a common format" (col. 5, lines 25-33).

In a third embodiment, "With newer technology such as ActiveX.TM. controls, a combination of these approaches is conceivable [where] [c]lient devices could use Internet browsers, with a sophisticated user interface being implemented as one or more intelligent ActiveX.TM. controls." In the example, "controls could be configured to download raw data and images rather than full HTML documents [so that] the intelligence behind the user interface could be distributed between the servers and the clients in different ways." (col. 5, lines 34-42).

In all disclosed examples, the server supplies image data and the client enables a user to send control signals to direct operations of a user interface. Differences between the examples relate to which processor executes user interface operations, the server processor or the client processor, and not to the direction of image data flow. In all cases, the server sends the image data to the client.

Regarding the rejection of claim 2, applicants further traverse the rejection on the basis that Lappenbusch does not perform the action of "identifying a location name corresponding to said position data" for position data that is associated with image data received from the client. No image data is received from the client.

Regarding the rejection of claim 3, applicants further traverse the rejection on the basis that Lappenbusch does not perform the action of "querying a location database with said position data" for position data that is associated with image data received from the client. No image data is received from the client.

Regarding the rejection of claim 5, applicants further traverse the rejection on the basis that Lappenbusch does not perform the action of "receiving chronological data in association with said image data" for image data received from the client. No image data is received from the client so no chronological data is in association with image data from received from the client.

Rejection of Claims Under 35 U.S.C. §103

Claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over Lappenbusch et al in view of Official Notice. Applicants respectfully traverse the rejection on the basis of being allowable as dependent upon an allowable base claim.

Withdrawal of Non-elected Invention

The Examiner has withdrawn claims 21-23 and 25 from consideration as being directed to a non-elected invention (37 CFR 1.142(b) and MPEP §821.03. Applicants traverse the rejection requirement and request reconsideration of the requirement and restoration of the claims on the basis of 37 CFR §1.141 which provides that a reasonable number of species may be claimed in different claims in one national application, provided the application also includes an allowable claim generic to all the claimed species. In the present case, the withdrawn claims are dependent claims based on independent claims which are allowable on the basis of the discussion herein.

CONCLUSION

The application, including all remaining Claims 1-13, and 20, is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned at (949) 251-0250.

I hereby certify that this correspondence is being facsimile transmitted to the USPTO, Central Number at (703) 872-9306 on the date shown below:

(Signature)

Joy C. Nigo
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May 3, 2005
(Date)

Respectfully submitted,

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